

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

JUL 25 AM 10:12

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Antonio CHAVEZ-Barajas

Defendant.

Magistrate Case No. _____


'08 MJ 2256

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section
1324(a)(2)(B)(iii)-
Bringing in Illegal Alien
Without Presentation

The undersigned complainant being duly sworn states:

On or about **July 23, 2008**, within the Southern District of California, defendant **Antonio CHAVEZ-Barajas**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Victor Manuel GARCIA-Romero**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).


SIGNATURE OF COMPLAINANT
Alfredo Lopez, Enforcement Officer
U.S. Customs & Border Protection

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **25th** DAY OF
JULY, 2008.


UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

The complainant states that **Victor Manuel GARCIA-Romero** is a citizen of a country other than the United States; that said alien has admitted he is deportable; that his testimony is material; that it is impracticable to secure his attendance at trial by subpoena; and that he is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On July 23, 2008, at approximately 2300 hours, **Antonio CHAVEZ-Barajas (Defendant)** made application for admission into the United States from Mexico at the Otay Mesa, California Port of Entry via the vehicle primary lanes. Defendant was the driver of a stolen black Chevrolet Silverado. Upon inspection before a U.S. Customs and Border Protection (CBP) Officer, Defendant presented his California driver license. The CBP Officer received an automated computer generated referral and subsequently referred the vehicle and Defendant to secondary for further inspection.

In secondary, Defendant stated to a CBP Officer that he was a Legal Permanent Resident of the United States. Defendant seemed nervous and was avoiding eye contact. The CBP Officer opened the passenger door and looked towards the back seat and saw what appeared to be human feet. CBP Officer lifted and removed the rear seat and where one female and one male were discovered concealed in a non-factory compartment. Both were determined to be citizens of Mexico without legal documents to enter the United States. The male was retained as a Material Witness and is now identified as **Victor Manuel GARCIA-Romero**.

During a video recorded interview, Defendant was advised of his Miranda rights. Defendant acknowledged his rights and agreed to answer questions without benefit of counsel. Defendant stated he was to receive payment between \$800 and \$1,000 USD to smuggle the two undocumented aliens into the United States. Defendant stated if successful in entering the United States he was to travel to Chula Vista, California where he was to drop off the vehicle and concealed aliens.

During a separate videotaped interview, Material Witness declared he is a citizen of Mexico without legal rights or entitlements to enter the United States. Material Witness stated he made his own smuggling arrangements with an unknown Hispanic male in Tijuana, Mexico and was going to pay \$2,000 USD to be smuggled into the United States. Material Witness stated he was going to Los Angeles, California to seek employment and residency.